

UNITED STATES BANKRUPTCY COURT  
FOR THE MIDDLE DISTRICT

IN RE:	:	CHAPTER 13
LEAH D. DOUGHERTY	:	
	:	
Debtor(s)	:	CASE NO. 5:16-bk-00431JJT
	:	
	:	
CHARLES J. DEHART, III	:	
CHAPTER 13 TRUSTEE	:	
Movant	:	
	:	
vs	:	
LEAH D. DOUGHERTY	:	MOTION TO DISMISS
Respondent(s)	:	

TRUSTEE'S MOTION TO DISMISS CASE

AND NOW, comes Charles J. DeHart, III, Esquire, Standing Chapter 13 Trustee, through his attorney Agatha McHale, Esquire and brings this Motion to Dismiss Case, a statement of which follows:

1. Debtor(s) filed the above case on February 03, 2016
2. The plan obligates Debtor(s) to make monthly payments to the Trustee.
3. The Trustee filed Motions to Dismiss Case for Material Default due to non-payment of these monthly payments on the following dates: September 19, 2016 December 14, 2016 and March 08, 2017
4. Debtor(s) cured each of these defaults prior to the scheduled hearing and therefore avoided entering into a stipulation to maintain timely payments.
5. Debtor(s) is currently approximately two months in default with arrearages of \$200.00 through May, 2017.
6. The non-payment of Debtor's plan obligation is
  - a. a material default with respect to the confirmed plan; and
  - b. an unreasonable delay by Debtor that is prejudicial to creditors

7. Dismissal of the case is in the best interest of the creditors and the estate.
8. Notice of conference, hearing and other instructions are included with this Motion.

WHEREFORE, the Standing Chapter 13 Trustee requests this Court to dismiss the above case.

Respectfully submitted,

Charles J. DeHart, III  
Standing Chapter 13 Trustee

/s/ Agatha McHale  
Agatha McHale, Esquire  
Attorney for Movant  
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Hummelstown, PA 17036  
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UNITED STATES BANKRUPTCY COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

IN RE:

LEAH D. DOUGHERTY

: CASE NO: 5:14-bk-00431JJT  
:  
: MOTION TO DISMISS

**NOTICE TO PARTIES IN INTEREST**

NOTICE IS HEREBY GIVEN THAT Charles J. DeHart, III, Standing Chapter 13 Trustee for the Middle District of Pennsylvania has filed a Motion to Dismiss for failure to make timely plan payments pursuant to the Chapter 13 Plan.

YOU ARE HEREBY NOTICED that a CONFERENCE before the Trustee and a HEARING with the Court have been scheduled on this motion.

Any matters not resolved at the Trustee's Conference shall be heard at the dismissal hearing to be held as stated below:

**CONFERENCE before Trustee:**

July 11, 2017, at 9:00 a.m.  
U.S. Bankruptcy Court  
Max Rosen U.S. Courthouse  
197 S. Main St.  
Wilkes Barre, PA

**HEARING:**

July 11, 2017, at 9:35 a.m.  
U.S. Bankruptcy Court  
Max Rosen U.S. Courthouse  
197 S. Main St.  
Wilkes Barre, PA

YOU ARE FURTHER NOTICED that you **MUST** attend this conference or the dismissal hearing unless one of the following takes place on or before: **July 04, 2017**

1. You have entered into a valid stipulation with Trustee DeHart and that stipulation has been filed with the U.S. Bankruptcy Court in Harrisburg, PA, on or before July 04, 2017.

2. You have filed a voluntary conversion to Chapter 7 or a voluntary dismissal with the U.S. Bankruptcy Court in Harrisburg, PA and have served a copy of that motion upon Trustee DeHart.

FAILURE TO COMPLY WITH THE ABOVE WILL RESULT IN YOUR CHAPTER 13 CASE BEING CALLED FOR DISMISSAL HEARING WITH THE COURT IMMEDIATELY AFTER YOUR CONFERENCE WITH THE TRUSTEE AND MAY RESULT IN DISMISSAL OF YOUR CASE. **PAYMENT IN FULL WILL NOT EXCUSE YOU FROM THE HEARING.**

Any questions concerning plan arrearage should be directed to Trustee DeHart's office at

(717) 566-6097, Monday - Friday, 9:00 a.m. to 4:00 p.m. Do not call the Bankruptcy Court, as the Court does not maintain records for debtor's payment status.

DATE: June 7, 2017

CHARLES J. DEHART, III, TRUSTEE

### **CERTIFICATE OF SERVICE**

I hereby certify that the Debtor and his/her counsel, have been served a copy this Motion, Notice and Proposed Order by First Class Mail, unless served electronically, at the below address on June 7, 2017

LEAH D. DOUGHERTY  
86 THIRD AVENUE  
KINGSTON, PA 18704  
Debtor(s)

KEVIN M. WALSH, ESQUIRE  
297-299 PIERCE STREET  
KINGSTON, PA 18704-  
Attorney for Debtor(s)

RESPECTFULLY SUBMITTED,

/s/ Liz Joyce

Liz Joyce

For Charles J. DeHart, III,

Standing Chapter 13 Trustee

